

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

BRENT E. WOODFIELD, M.D. and)	
LISA W. WOODFIELD,)	
)	
Plaintiffs,)	
)	
v.)	
)	Civil Action No. 04-12483-NMG
UNITED STATES OF AMERICA)	
)	
Defendant.)	
)	

**UNITED STATES' MOTION TO DISMISS THE COMPLAINT
FOR LACK OF SUBJECT MATTER JURISDICTION**

Pursuant to Fed. R. Civ. P. 12(b)(1), the United States hereby moves for dismissal on the ground that the Court lacks jurisdiction over the subject matter. In support of the motion, the United States submits that attached memorandum of law and exhibit.

Wherefore, the United States requests that the complaint be dismissed.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

By: /s/ Jeffrey M. Cohen
Jeffrey M. Cohen
Assistant U.S. Attorney
John Joseph Moakley Federal Courthouse
One Courthouse Way, Suite 9200
Boston, MA 02210
(617) 748-3100

Dated: March 9, 2005

CERTIFICATION UNDER L.R. 7.1

I, Jeffrey M. Cohen, Assistant United States Attorney, do hereby state that on March 9, 2005, I spoke with Attorney Anthony Bott and informed him that the United States would file this motion.

/s/ Jeffrey M. Cohen
Jeffrey M. Cohen
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I certify that on March 9, 2005, I caused a copy of the foregoing Motion to be served on Plaintiffs by first class mail, postage pre-paid to Anthony R. Bott, Eight Beach Road, P.O. Box 1137, East Orleans, MA 02643.

/s/ Jeffrey M. Cohen
Jeffrey M. Cohen
Assistant U.S. Attorney